

Holly M. Simpkins (*pro hac vice*)
HSimpkins@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101
Telephone: 206.359.8000
Facsimile: 206.359.9000

Andrew N. Klein, Bar No. 300221
AKlein@perkinscoie.com
PERKINS COIE LLP
3150 Porter Drive
Palo Alto, CA 95130
Telephone: 650.838.4300
Facsimile: 650.838.4350

Attorneys for Plaintiffs
EPIC GAMES, INC. and EPIC GAMES
INTERNATIONAL S.À.R.L.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EPIC GAMES, INC., a Maryland
corporation; and EPIC GAMES
INTERNATIONAL S.À.R.L., a
Luxembourg Société à Responsabilité
Limitée,

Plaintiffs,

v.

JAMES MENDES, an individual;
KONSTANTIN VLADIMIROVICH RAK,
an individual; and OLEKSEY
OLEKSEEVICH STEGAILO, an
individual,

Defendants.

Case No. 3:17-cv-06223-LB

**PLAINTIFFS EPIC GAMES, INC. AND
EPIC GAMES INTERNATIONAL
S.À.R.L.'S NOTICE OF MOTION AND
ADMINISTRATIVE MOTION TO EXTEND
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES**

Judge: Hon. Laurel Beeler
Courtroom: C, 15th Floor

NOTICE OF MOTION AND MOTION

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Epic Games, Inc. and Epic Games International S.à.r.l. (“Epic”) move pursuant to Civil Local Rules 7-11 and 16-2(d) to request that the Court reschedule the Case Management Conference, currently set for July 5, 2018, and related deadlines. Pursuant to Civil Local Rule 7-11(c), this administrative motion will be deemed submitted for determination without hearing.

Epic filed the Complaint in this action on October 27, 2017. Dkt. No. 1. Since that time, Epic has worked diligently to locate and serve defendants Konstantin Vladimirovich Rak, James Mendes, and Olesky Olekseevich Stegailo. Epic filed a motion to serve Mr. Rak via email on January 8, 2018, which this court granted on January 29, 2018. Dkt. Nos. 19, 24. Epic served Mr. Rak per this Court’s order on February 14, 2018. Dkt. No. 25. Although Mr. Rak responded to this message, he has not appeared in the case. Simpkins Decl. ¶ 2. The clerk granted Epic’s request to enter default against Mr. Rak, Dkt. No. 32, and Epic’s motion for default judgment is pending, Dkt. No. 33. Epic filed a notice of voluntary dismissal, dismissing Mr. Stegailo from this case on March 21, 2018. Dkt. No. 28. Finally, Epic is currently engaged in settlement discussions with Mr. Mendes, who resides in South Africa and whose real name is Luke Stephens. Simpkins Decl. ¶ 3.

The Case Management Conference is currently scheduled for July 5, 2018. Dkt. No. 31. The Case Management Statement is due by June 28, 2018. *Id.* Because Mr. Rak is in default and Epic and Mr. Stephens aka James Mendes are in settlement negotiations, it would be premature to hold a Case Management Conference, file a Case Management Statement, and conduct a Rule 26(f) conference at this stage. Accordingly, in the interest of justice and in an effort to enhance judicial efficiency and preserve resources, Epic respectfully requests that the Case Management Conference be continued approximately 60 days, to Thursday, September 6, 2018, or a date and time thereafter on which the Court is available, and that all related deadlines be adjusted accordingly. Epic has previously requested a time modification in this case, which this Court

1 granted. *See* Dkt. No. 31. The requested continuance will not impact the schedule of the case, as
2 no trial date or other deadlines have been set.

3 Subject to the Court's approval, Epic requests that the current schedule be amended as
4 follows:

5 1. The Initial Case Management Conference is continued to September 6, 2018, at
6 10:30 a.m.

7 2. The last day to file a Rule 26(f) Report is continued to August 30, 2018.

8 3. The last day to meet and confer regarding initial disclosures, early settlement,
9 ADR process selection and discovery plan; file the ADR Certification signed by Parties and
10 Counsel; and file either Stipulation to ADR Process or Notice of Need for ADR Phone
11 Conference is continued to August 16, 2018.

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13 DATED: June 6, 2018

PERKINS COIE LLP

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15 By: Holly M. Simpkins

Holly M. Simpkins (*pro hac vice*)
HSimpkins@perkinscoie.com

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17 Attorneys for Plaintiffs
18 Epic Games, Inc. and Epic International
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